

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FUND TEXAS CHOICE, et al., §
Plaintiffs, §
§
v. § CIVIL ACTION NO.
§ 1:22-CV-00859-RP
JOSÉ GARZA, in his official capacity as §
Travis County District Attorney, et al., §
Defendants. §

**PROSECUTOR DEFENDANTS' ADVISORY AND SUPPLEMENTAL UNOPPOSED
FIRST MOTION TO AMEND THE SCHEDULING ORDER**

TO THE HONORABLE JUDGE OF THIS COURT:

Defendants Susan R. Deski, Julie Renken, Wiley B. “Sonny” McAfee, José Garza, Fred H. Weber, Joe Gonzales, Toribio Palacios, K. Sunshine Stanek, Gocha Allen Ramirez, Bill D. Hicks, Richard E. Glaser and Ryan Sinclair (remaining “Prosecutor Defendants”) respectfully submit this Advisory and Supplemental Unopposed Motion to Amend the Court’s Scheduling Order of June 28, 2024 (Doc. 401). The current deadline for the dispositive motion deadline is September 9, 2024. The Prosecutor Defendants would show the Court the following:

1. On August 30, 2024, Defendant DA Jacob Putman and Plaintiffs filed a Joint Motion to Amend the Scheduling Order requesting that the Court “extend the discovery cutoff solely for the already-noticed depositions until November 1, 2024, and also jointly request that the Court amend the Amended Scheduling Order (Doc. 401) to extend the dispositive motion deadline and the deadline for Defendant Putman’s response to Plaintiffs’ motion for summary judgment until November 20, 2024. noticed the depositions of all Plaintiffs several weeks ago.” [Doc. 446]. The

Motion to Amend the Scheduling Order specifically states that it does “not include[e] all other defendants in the case.” *Id.*

2. On September 5, 2024, the remaining District Attorney and/or County Attorney Defendants filed a motion requesting that the Court also amend the Amended Scheduling Order (Doc. 401) to extend the dispositive motion deadline until November 20, 2024. [Doc. 448]. On September 9, 2024, Plaintiffs' counsel advised the Prosecutor Defendants that they were unopposed to the Motion filed on September 5, 2024. [Doc. 448].

3. As of the time of filing of this Advisory and Supplemental Unopposed Motion to Amend the Court’s Scheduling Order (of June 28, 2024), the Court has not ruled on either Plaintiffs and Defendant DA Putman’s Joint Motion to Amend the Scheduling Order (Doc. 446) or Prosecutor Defendants’ First Motion to amend the Scheduling Order. [Doc. 448]. The Dispositive Motions deadline is today, Monday, September 9, 2024.

4. Both of these motions were filed, *inter alia*, to ensure judicial economy and court efficiency in order to establish consistent deadlines for all parties in filing dispositive motions, responses and replies. The filing parties further assert the requested extensions are consistent with principles of fundamental fairness and do not believe that the extension prejudices any other party or the operations of the Court. In light of these factors, should the Court deny the Motion for Extension filed by the Prosecutor Defendants, it is requested that the prosecutor defendants be granted a minimum of seven (7) business days following the denial of the First Motion for Extension (Doc. 448) in order to file their respective dispositive motions in this matter.

CONCLUSION

For these reasons, Prosecutor Defendants request that the Court grant their Motion to Amend the Scheduling Order, setting the dispositive motion deadline for November 20, 2024. In the alternative, should the Court deny the Motion for Extension filed by the Prosecutor Defendants, it is requested that the prosecutor defendants be granted a minimum of seven (7) business days following the denial of the First Motion for Extension (Doc. 448) in order to file their respective dispositive motions in this matter.

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Respectfully submitted,

/s/ J. Eric Magee

J. Eric Magee

SBN: 24007585

e.magee@allison-bass.com

ALLISON, BASS & MAGEE, L.L.P.

1301 Nueces Street, Suite 201

Austin, Texas 78701

(512) 482-0701 telephone

(512) 480-0902 facsimile

ATTORNEY FOR DEFENDANTS

SUSAN R. DESKI, JULIE RENKEN,

WILEY B. "SONNY" MCAFEE,

FRED WEBER, RICHARD E. GLASER

AND RYAN SINCLAIR

DELIA GARZA

County Attorney, Travis County

P. O. Box 1748

Austin, Texas 78767

Telephone: (512) 854-9513

Facsimile: (512) 854-4808

By: /s/ Anthony J. Nelson

Leslie W. Dippel

State Bar No. 00796472

Leslie.Dippel@traviscountytx.gov

Amy S. Ybarra

State Bar No. 24013573

amy.ybarra@traviscountytx.gov

Anthony J. Nelson

State Bar No. 14885800

Tony.Nelson@traviscountytx.gov

ATTORNEYS FOR DEFENDANT

TRAVIS COUNTY DISTRICT

ATTORNEY, JOSÉ GARZA

JOE D. GONZALES

Bexar Conty Criminal District Attorney

By: // Lisa V. Cubriel

LISA V. CUBRIEL

State Bar o. 24045731

Lisa.Cubriel@bexar.org

ROBERT W. PIATT III

State Bar No. 24041692

Robert.Piatt@bexar.org

Assistant District Attorneys,

Civil Division

101 W. Nueva, 7th Floor

San Antonio, Texas 78205

Telephone: (210) 335-2142

Facsimile: (210) 335-2773

ATTORNEYS FOR DEFENDANT

BEXAR COUNTY DISTRICT

ATTORNEY JOE D. GONZALES

TORIBIO "TERRY" PALACIOS

CRIMINAL DISTRICT ATTORNEY

HIDALGO COUNTY, TEXAS

/s/ Leigh Ann Tognetti

Leigh Ann Tognetti

Assistant District Attorney

Texas Bar No. 24083975

leigh.tognetti@da.co.hidalgo.tx.us

Jacqueline Villarreal

Assistant District Attorney

Texas Bar No. 24093302

jacqueline.villarreal@da.co.hidalgo.tx.us

100 E. Cano, First Floor

Hidalgo County Courthouse Annex III

Edinburg, Texas 78539

Tel: (956) 292-7609

Fax: (956) 318-2301

ATTORNEYS FOR DEFENDANT

HIDALGO COUNTY CRIMINAL

DISTRICT ATTORNEY

TORIBIO "TERRY" PALACIOS

**K. SUNSHINE STANEK
CRIMINAL DISTRICT ATTORNEY
LUBBOCK COUNTY**

/s/ R. Neal Burt

R. Neal Burt
Texas Bar No. 03475450
nburt@lubbockcounty.gov
Jennifer Irlbeck
Texas Bar No. 24057474
jirlbeck@lubbockcounty.gov
Assistant District Attorneys
Lubbock County CDA
P.O. Box 10536
Lubbock, Texas 79408
Telephone: (806) 775-1112
Facsimile: (806) 775-7952
ATTORNEYS FOR DEFENDANT
K. SUNSHINE STANEK
CRIMINAL DISTRICT ATTORNEY
LUBBOCK COUNTY

SCOTTHULSE, P.C.
One San Jacinto Plaza
201 E. Main Dr., Suite 1100
P.O. Box 99123
El Paso, Texas 79999-9123
(915) 533-2493
(915) 546-8333 Telecopier

By: /s/ Francisco J. Ortega

FRANCISCO J. ORTEGA
State Bar No. 24060365
fort@scotthulse.com

**ATTORNEY FOR BILL D. HICKS,
IN HIS OFFICIAL CAPACITY AS
DISTRICT ATTORNEY
FOR THE 34TH JUDICIAL
DISTRICT OF TEXAS**

By: /s/Cynthia Contreras Gutierrez
CYNTHIA CONTRERAS GUTIERREZ
Texas Bar No. 08640550
W.D. Tex. ID No. 08640550
CONTRERAS GUTIERREZ
AND ASSOCIATES
1302 s. 10TH Ave.
Edinburg, Texas 78539
Phone: (956) 683-0057
Fax: (956) 683-0059
Email: cynthia@ccglaw.net

ATTORNEYS FOR DEFENDANT,
GOCHA ALLEN RAMIREZ

CERTIFICATE OF CONFERENCE

I hereby certify that on September 9, 2024, counsel for Plaintiffs notified counsel for Defendants that they were agreeable to an extension of time for the dispositive motion deadline. On September 5, 2024; (1) Defendant Putman's counsel was agreeable to an extension of time for the dispositive motion; and (2) SB 8 Defendants' counsel was agreeable to an extension of time for the dispositive motion.

/s/ Anthony J. Nelson
Anthony J. Nelson

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Anthony J. Nelson
Anthony J. Nelson